

Exhibit 8

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, A HAWAII CITIZEN,) CIVIL NO. 03-00385SOM
Plaintiff,)
vs.)
HAWAII EXPRESS SERVICE, INC.,)
a CALIFORNIA CORPORATION, et al.,) - VOLUME 1 -
Defendants.)

TRANSCRIPT OF PROCEEDINGS

The above-entitled matter came on for hearing on
Tuesday, January 24, 2006, at 9:02 a.m., at Honolulu, Hawaii,

BEFORE: THE HONORABLE SUSAN OKI MOLLWAY
United States District Judge

REPORTED BY: STEPHEN B. PLATT, RMR, CRR
Official U.S. District Court Reporter

APPEARANCES: TIMOTHY J. HOGAN, ESQ.
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1 trustee of the Post Confirmation Trust.

2 MR. SMITH: Lex Smith, local counsel for the Post
3 Confirmation Trust, Your Honor.

4 MR. HOSODA: Good morning, Your Honor.

5 Lyle Hosoda and Raina Mead appearing on behalf
6 of Teresa Noa, Brian Christensen, Sonia Purdy,
7 Alfreda Waiolama, Jacqueline Rio, Mark Dillon, Melvin Ponce
8 and Justin Fukumoto, who are also in the courtroom this
9 morning.

10 THE COURT: Okay, we have used up the whole
11 transcript just to list the parties...

12 Okay, thank you very much; you can all be seated.

13 I know you folks need me to talk to you about
14 the HEx vicarious liability issues. Did the parties need
15 other matters also discussed?

16 MR. HOGAN: Yes, Your Honor.

17 The court reserved one issue in my first motion in
18 limine --

19 THE COURT: The Walker --

20 MR. HOGAN: Yes, and I need to update the court --

21 THE COURT: I saw what was filed. I thank you all.
22 I could see that all of you were very busy yesterday and last
23 night. I did look at that. It appears that there were close
24 to 3,000 files that you didn't get.

25 MR. HOGAN: Yes, Your Honor.

1 I put on the screen, if I may direct Your Honor --

2 THE COURT: Okay, but it's way too small.

3 MR. HOGAN: I understand that, Your Honor, but if I
4 can, Your Honor, I just want to direct the court to one area
5 that's, I think, of importance.

6 I will just make a representation, Your Honor: I
7 got these files yesterday afternoon. I got two full boxes of
8 documents served on me at 5:00, that purport to be something
9 to do with these. I went to one of the clusters that was
10 supposedly -- in past declarations of Mr. Walker, containing
11 nothing. I ran a simple off-the-shelf forensic package
12 against it, and I pulled out, of one cluster, Your Honor -- if
13 I may... 33 data bases that were withheld in discovery.

14 These data bases, Your Honor, contain evidence that
15 was never produced in this case, has Mr. Berry's name in it,
16 and is related not only to liability issues, but also to
17 financial issues: K-Mart, connection to the ocean carriers.

18 This is the mother load. I got it yesterday, after
19 about, say, 7:00 in the evening.

20 I haven't had a chance to look at more than two or
21 three of them. The first one I opened was an active database.
22 The second one bombed out. And I went down about four or five
23 of them this morning, because it burned all night, and most of
24 them -- I would say almost all of them, are active databases
25 in one of the 13 clusters, that were withheld.

1 It's all relevant evidence. It's Mr. Berry's
2 intellectual property that has been withheld, and there is
3 absolutely no basis, whatsoever, in the affidavits filed, for
4 this stuff to have not been given.

5 The most important thing, Your Honor, is the
6 Guidance material they have turned over to me -- yesterday,
7 has had all the meta data taken out of it again, so that the
8 material that Mr. Walker got is not what I got.

9 This has been going on since July. They have
10 claimed attorney-client privilege. I would ask the court to
11 at least rule where I am in this case in regard to this
12 discovery.

13 THE COURT: I don't understand.

14 I thought, now, he had everything that Dr. Walker
15 got?

16 MR. SMITH: Your Honor, that's correct, except for a
17 very small list of attorney-client privilege files that I have
18 pulled. What Mr. Hogan, I think, is saying now is that -- I

19 think that he is suggesting that we stripped data out of the
20 files that we produced to him --

21 THE COURT: Can you pull the mike closer.

22 MR. SMITH: I apologize.

23 I am quite sure that's not true. Dr. Walker is in
24 the courtroom, and can tell you --

25 THE COURT: Okay, well, you know, I understand that

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I, Stephen B. Platt, Official Court Reporter,
United States District Court, District of Hawaii, do hereby
certify that the foregoing is a true and correct transcript of
proceedings before the Honorable Susan Oki Mollway, United
States District Judge.



/s/ Stephen B. Platt

FRIDAY, FEBRUARY 24, 2006

STEPHEN B. PLATT, CSR NO. 248